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*Richard T. Warner, Jr. and Western Express Inc.*  
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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 TRACY NICHOLE TEOFRIO,  
13 Plaintiff,

CASE NO.: 2:15-cv-01747-JAD-GWF

14 vs.

15 RICHARD T. WARNER, JR.; WESTERN  
EXPRESS, INC., NAVISTAR LEASING  
16 SERVICES CORPORATION; DOES I  
through XX, inclusive and ROE BUSINESS  
17 ENTITIES I through XX, inclusive,  
18 Defendants.

19 STIPULATION TO EXTEND TIME TO FILE REPLY AND TO CONTINUE HEARING ON  
20 MOTION TO STRIKE [ECF NO. 38]

21 (First Request)

22 Pursuant to Local Rules ("LR") IA 6-1, Defendants, Richard T. Warner, Jr. ("Warner") and  
Western Express, Inc. ("Western Express"), and Plaintiff, Tracy Nichole Teofrio ("Teofrio"), by and  
23 through their respective attorneys, stipulate as follows:

24 1. On October 10, 2017, Warner and Western Express filed their Motion to Strike Plaintiff's  
25 Experts [ECF No. 38] (the "Motion").

26 2. The court scheduled the hearing on the Motion for Monday, November 6, 2017 at 9:30  
27 a.m. See ECF No. 39.

28 3. Plaintiff opposed the Motion on October 24, 2017 [ECF No. 40], making replies due

1 October 31, 2017.

2 4. The parties now stipulate to extend the time for Warner and Western Express to file their  
3 reply brief to Friday, November 3, 2017.

4 5. The parties also stipulate to continue the hearing on the Motion to December 1, 2017, at  
5 9:30 a.m. in Courtroom 3A..

6 6. The extension and continuance are necessary because on October 1, 2017, counsel for  
7 Warner and Western, Ms. Surur, tragically and unexpectedly lost a very close family member and was,  
8 therefore, out of the office from October 1, 2017 through October 26, 2017. Ms. Surur and lead counsel  
9 for Warner and Western, Mr. Jaffe, were scheduled to begin a three-week jury trial in another matter on  
10 October 23, 2017. This unexpected event required Mr. Jaffe to prepare for and try the case without Ms.  
11 Surur. Mr. Jaffe remains in trial through November 6, 2017 and while Ms. Surur has returned to the  
12 office, she requires additional time to prepare the reply brief. In addition, Mr. Jaffe will argue the  
13 Motion and is not available on November 6, 2017, because he will be in trial. Plaintiff's counsel  
14 extended the professional courtesy of stipulating to a brief extension of the reply deadline and to  
15 continuing the hearing.

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1           7.       There is excusable neglect for submitting this stipulation after the October 31,  
2 2017 deadline to file replies. Defense counsel first reached out to Plaintiff's counsel by email on  
3 October 26, 2017, but counsel was unable to connect because Plaintiff's counsel was handling another  
4 matter. Counsel spoke on October 30, 2017 and reached this stipulation, but were unable to agree upon  
5 a hearing date that worked for all counsel and the court until November 1, 2017. Counsel submitted this  
6 stipulation as soon as the new hearing date was obtained.

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8 DATED: November 3, 2017.

DATED: November 3, 2017.

9 HALL JAFFE & CLAYTON, LLP

LADAH LAW FIRM

10 By: /s/ Ashlie Surur  
11 Steven T. Jaffe, Esq. (Nevada Bar No. 7035)  
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14  
15 **ORDER**

16 IT IS SO ORDERED

17 DATED: 11/03/2017

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UNITED STATES MAGISTRATE JUDGE